

# UNITED STATES DISTRICT COURT

District of

UNITED STATES OF AMERICA

v.

JIAN-YUN DONG

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 2:11-cr-511-BHH-1

USM Number: 23179-171

Miller W. Shealy, Jr., CJA

Defendant's Attorney

Date of Original Judgment: October 3, 2017  
(Or Date of Last Amended Judgment)

## THE DEFENDANT:

- ☐ pleaded guilty to count(s) \_\_\_\_\_
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☒ was found guilty on count(s) 1, 7, 13  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:371	Please see third superseding indictment	10/14/09	1
18:641 and 2	Please see third superseding indictment	10/8/08	7
18:1343 and 2	Please see third superseding indictment	7/2/09	13

The defendant is sentenced as provided in pages 2 through \_\_\_\_\_ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☒ Count(s) 2-6 and 8-12 dismissed ☐ is ☐ are dismissed on the motion of the United States.
- ☐ Forfeiture provision is hereby dismissed on motion of the United States Attorney.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 1, 2017

Date of Imposition of Judgment

s/ Bruce H. Hendricks

Signature of Judge

Hon. Bruce H. Hendricks, United States District Judge

Name and Title of Judge

February 16, 2025

Date

DEFENDANT: JIAN-YUN DONG  
CASE NUMBER: 2:11-511-BHH

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1343 and 2	Please see third superseding indictment	7/2/09	14
18:1343 and 2	Please see third superseding indictment	7/2/09	15
18:1343 and 2	Please see third superseding indictment	7/2/09	16
18:1343 and 2	Please see third superseding indictment	7/2/09	17
18:1343 and 2	Please see third superseding indictment	7/2/09	18
18:1343 and 2	Please see third superseding indictment	7/2/09	19
18:1343 and 2	Please see third superseding indictment	7/2/09	20
18:1343 and 2	Please see third superseding indictment	7/2/09	21
18:1343 and 2	Please see third superseding indictment	7/2/09	22
18:1343 and 2	Please see third superseding indictment	7/2/09	23
18:1343 and 2	Please see third superseding indictment	7/2/09	24
18:1343 and 2	Please see third superseding indictment	7/2/09	25
18:1343 and 2	Please see third superseding indictment	7/2/09	26
18:1343 and 2	Please see third superseding indictment	7/2/09	27
18:1343 and 2	Please see third superseding indictment	7/2/09	28
18:1343 and 2	Please see third superseding indictment	7/2/09	29
18:1343 and 2	Please see third superseding indictment	7/2/09	30
18:1343 and 2	Please see third superseding indictment	7/2/09	31
18:1343 and 2	Please see third superseding indictment	7/2/09	32
18:1343 and 2	Please see third superseding indictment	7/2/09	33
18:1343 and 2	Please see third superseding indictment	7/2/09	34

**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of seventy (70) months; consisting of 60 months as to count 1 and 70 months as to counts 7 and 13 through 34, all counts to run concurrently and also concurrently to 2:11cr510. The defendant shall pay a \$2,400.00 special assessment and restitution in the amount of \$3,211,599.83, both due beginning immediately.

☒ The court makes the following recommendations to the Bureau of Prisons: The defendant shall be designated to FMC Butner.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this Judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JIAN-YUN DONG

CASE NUMBER: 2:11-511-BHH

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years as to each count, to run concurrently and also concurrently to the supervised release imposed in 2:11-CR510. Within 72 hours of release from custody of the Bureau of Prisons, the defendant shall report in person to the probation officer in the district to which the defendant is released. While on supervised release, the defendant shall comply with the following mandatory and standard conditions of supervision. 1. He shall pay any remaining restitution at a rate of no less than \$400.00 per month beginning within 60 days of release. Payments shall be made payable to Clerk, U. S. District Court and mailed to P.O. Box 835, Charleston, SC 29402. Interest on any restitution ordered as to this defendant is waived. Payments shall be adjusted accordingly, based upon the defendant's ability to pay as determined by the Court. 2. He shall be subject to placement in the Financial Litigation Unit Wage Garnishment program for the purpose of collecting restitution, if deemed necessary by the U.S. Probation Officer. 3. He shall provide the U.S. Probation Officer with access to any and all financial information to include tax returns. 4. He shall be prohibited from opening any new lines of credit without the prior written approval of the U.S. Probation Officer.

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
  - ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. §16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program of domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: JIAN-YUN DONG  
CASE NUMBER: 2:11-511-BHH**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	<b><u>\$2,400.00</u></b>		<b><u>\$</u></b>	<b><u>\$3,211,599.83</u></b>

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case(AO245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
* U.S. Department of Treasury – General Fund	* \$3,211,599.83	* \$3,211,599.83	100%
<b>TOTALS</b>	<b><u>\$3,211,599.83</u></b>	<b><u>\$3,211,599.83</u></b>	

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 5 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived for the ☐ fine ☒ restitution.

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

\*Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



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**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$2,400.00 special assessment fee and restitution in the amount of 3,211,599.83 both due immediately.\*  
 balance due \_\_\_\_\_  
☐ not later than \_\_\_\_\_ or \_\_\_\_\_  
☒ in accordance with ☐ C, ☒ D, or ☐ E, or ☐ F below: or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_  
 (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☒ Payment in equal *monthly, quarterly* installments of \$400.00, to commence *60 days* after release from imprisonment to a term of supervision; \*
- E ☐ Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

As directed in the Preliminary Order of Forfeiture, filed April 27, 2017 and the said order is incorporated herein as part of this judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.